



0000151408

## BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

BOB STUMP, Chairman  
 GARY PIERCE  
 BRENDA BURNS  
 BOB BURNS  
 SUSAN BITTER SMITH

RECEIVED

2014 FEB 26 P 2:22

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

ORIGINAL FEB 26 2014

DOCKETED BY

DOCKET NO. W-01982A-14-0009

IN THE MATTER OF THE APPLICATION OF  
 WHITE HILLS WATER COMPANY, INC. FOR  
 APPROVAL OF CERTIFICATE OF  
 CONVENIENCE AND NECESSITY TO PROVIDE  
 WATER SERVICE.

PROCEDURAL ORDER**BY THE COMMISSION:**

On January 10, 2014, White Hills Water Company, Inc. ("White Hills" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N") to provide water utility services to an area known as Golden Horseshoe Ranchos subdivision, located in White Hills, Arizona.

On February 7, 2014, the Commission's Utilities Division ("Staff") filed a Sufficiency Letter in this docket stating that White Hills' application had met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C.").

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that a **hearing** in the above-captioned matter **shall be held on April 16, 2014, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that White Hills Water Company, Inc. shall provide public notice of the hearing in this matter in the following form and style, with the heading in no less than 10-point bold type and the body in no less than 8-point regular type:

...

...

...

**PUBLIC NOTICE OF THE HEARING ON THE APPLICATION  
OF WHITE HILLS WATER COMPANY INC'S APPLICATION FOR A  
CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE  
WATER UTILITY SERVICES TO AN AREA KNOWN AS GOLDEN  
HORSESHOE RANCHOS.  
(DOCKET NO. W01982A-14-0009)**

On January 10, 2014, White Hills Water Company, Inc. ("White Hills" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N"), to include various lots located within the Golden Horseshoe Ranchos subdivision, in White Hills, Arizona. The Commission's Utilities Division Staff ("Staff") has not yet made a recommendation regarding the application. The Commission is not bound by the proposals made by White Hills, Staff, or any intervenors. The Commission will issue a Decision regarding White Hill's application following consideration of testimony and evidence presented at an evidentiary hearing. A copy of the application is available at White Hills's office [insert address] and at the Commission's offices at 1200 West Washington Street, Phoenix, Arizona, for public inspection during regular business hours, and on the internet via the Commission website ([www.azcc.gov](http://www.azcc.gov)) using the e-docket function.

The Commission will hold a hearing on White Hill's application on **April 16, 2014, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona 85007. Public comments will be taken on the first day of the hearing. Written public comments may be submitted by mailing a letter referencing Docket No. W-01982A-14-0009 to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington Street, Phoenix, Arizona 85007. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000 or 602-542-4251 or via the Commission's website at [www.azcc.gov](http://www.azcc.gov), using the "To Submit a Comment on an Issue" link located near the bottom of the main page.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you wish to intervene, you must file an original and 13 copies of a written motion to intervene with the Commission no later than **March 28, 2014**, and send a copy of the motion to all parties of record. Your motion to intervene must contain the following:

1. Your name, address, and telephone number and the name, address, and telephone number of any person upon whom service of documents is to be made, if not yourself;
2. A short statement of your interest in the proceeding (e.g., a customer of White Hill's.);
3. A statement certifying that you have mailed a copy of the motion to intervene to White Hill or their counsel and to all parties of record in the case; and
4. If you are not represented by an attorney who is an active member of the Arizona State Bar, and are not representing yourself as an individual, information and any appropriate documentation demonstrating compliance with Arizona Supreme Court Rules 31, 38, and 42, as applicable.

1 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
2 that all motions to intervene must be filed on or before March 28, 2014. If  
3 representation by counsel is required by Arizona Supreme Court Rule 31, intervention  
4 will be conditioned upon the intervenors obtaining counsel to represent the intervenor.  
5 For information about requesting intervention, visit the Commission's website at  
6 <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of  
7 intervention, among other things, entitles a party to present sworn evidence at hearing  
8 and to cross-examine other witnesses. However, failure to intervene will not preclude  
9 any interested person or entity from appearing at the hearing and providing public  
10 comment on the application or from filing written comments in the record of the case.

11 The Commission does not discriminate on the basis of disability in admission to its  
12 public meetings. Persons with a disability may request a reasonable accommodation  
13 such as a sign language interpreter, as well as request this document in an alternative  
14 format, by contacting the ADA Coordinator Shaylin Bernal, E-mail  
15 [sabernal@azcc.gov](mailto:sabernal@azcc.gov), voice phone number 602-542-3931. Requests should be made as  
16 early as possible to allow time to arrange the accommodation.

17 IT IS FURTHER ORDERED that **White Hills Water Company, Inc. shall mail**, via First  
18 Class U.S. Mail, to each property owner or property owner representative in the requested CC&N  
19 area and **shall cause the above notice to be published** at least once in a newspaper of general  
20 circulation in the proposed service area, with **publication and mailing to be completed no later**  
21 **than March 14, 2014.**

22 IT IS FURTHER ORDERED that **White Hills Water Company, Inc. shall file certification**  
23 **of mailing and an affidavit of publication** as soon as practicable after mailing and publication have  
24 been completed, but not later than **April 11, 2014.**

25 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing/ publication,  
26 notwithstanding the failure of an individual customer to read or receive the notice.

27 IT IS FURTHER ORDERED that **Staff shall file a Staff Report on or before March 10,**  
28 **2014.**

IT IS FURTHER ORDERED that any **objections to the Staff Report** shall be reduced to  
writing and filed on or before **April 11, 2014.**

IT IS FURTHER ORDERED that any **motion to intervene shall conform to the**  
**requirements of A.A.C. R14-3-105 and this Procedural Order and demonstrate compliance**  
**with Arizona Supreme Court Rules 31, 38, and 42, as set forth herein.**

IT IS FURTHER ORDERED that **all motions to intervene must be filed on or before March**  
**28, 2014.**

1 IT IS FURTHER ORDERED that any **objections to any Motions to Intervene** shall be filed  
2 on or before **April 11, 2014**.

3 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
4 Communications) applies to this proceeding, as the matter is now set for public hearing, and shall  
5 remain in effect until the Commission's Decision in this matter is final and non-appealable.

6 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules  
7 31, 38, and 42 with respect to the practice of law and admission *pro hac vice*.

8 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
9 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona  
10 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at  
11 all hearings, procedural conferences, and Open Meetings for which the matter is scheduled for  
12 discussion, unless counsel has previously been granted permission to withdraw by the Administrative  
13 Law Judge or Commission.

14 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
15 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
16 hearing.

17 DATED this 26<sup>th</sup> day of February, 2014.

18  
19  
20  
21  
  
YVETTE B. KINSEY  
ADMINISTRATIVE LAW JUDGE

22 Copies of the foregoing mailed/delivered  
23 this 26 day of February, 2014 to:

24 V. David Arthur  
25 White Hills Water Co., Inc.  
P.O. Box 30626  
Mesa, AZ 85275

26 Janice Alward, Chief Counsel  
27 Legal Division  
28 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

1 Steven M. Olea, Director  
2 Utilities Division  
3 ARIZONA CORPORATION COMMISSION  
4 1200 West Washington Street  
5 Phoenix, AZ 85007

6 COASH & COASH, INC.  
7 COURT REPORTING, VIDEO & VIDEOCONFERENCING  
8 1802 N. 7<sup>th</sup> Street,  
9 Phoenix, AZ 85006

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

By: 

Tammy Velarde  
Assistant to Yvette B. Kinsey